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HOUSE BILL 603  
By DeBerry L

AN ACT to enact the Day Labor Services Act and to to amend  
Tennessee Code Annotated, Title 50, Chapter 1.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, is amended by adding  
the following language as a new, appropriately designated part:

**§ 50-1-701.** This Act shall be known and may be cited as "The Day Labor Services Act."

**§ 50-1-702.** As used in this part:

(a) "Day laborer" means a natural person who contracts for employment with a  
day labor service agency.

(b) "Day labor" means labor or employment that is occasional or irregular at  
which a person is employed for not longer than the time period required to complete the  
assignment for which the person was hired and where wage payments are made directly  
or indirectly by the day labor service agency or the third party employer for work  
undertaken by day laborers pursuant to a contract between the day labor service agency  
with the third party employer. "Day labor" does not include labor or employment of a  
professional or clerical nature.

(c) "Day labor service agency" means any person or entity engaged in the business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the day labor service and the third party employer.

(d) "Department" means the department of labor and workforce development.

(e) "Third party employer" means any person that contracts with a day labor service agency for the employment of day laborers.

**§ 50-1-703.**

(a) Whenever a day labor service agency agrees to send one or more people to work as day laborers, the day labor service agency shall, upon request by a day laborer, provide to the day laborer a statement containing the following items: "Name and nature of the work to be performed"; "wages offered"; "destination of the person employed"; "terms of transportation"; and whether a meal and equipment is provided, either by the day labor service or the third party employer, and the cost of the meal and equipment, if any.

(b) No day labor service agency may send any day laborer to any place where a strike, a lockout, or other labor trouble exists without first notifying the day laborer of the conditions.

(c) The department shall recommend to day labor service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to day laborers in Spanish or any other language that is generally used in the locale of the day labor agency.

**§ 50-1-704.**

A day labor service agency or a third party employer shall not charge a day laborer more than the actual cost of a meal. In no case shall the purchase of a meal be a condition of employment for a day laborer.

**§ 50-1-705.**

A day labor service agency or a third party employer shall charge no more than the actual cost to transport a day laborer to or from the designated work site; however, the total cost to each day laborer shall not exceed three percent (3%) of the day laborer's daily wages.

**§ 50-1-706.**

For any safety equipment, clothing, accessories, or any other items required by the nature of the work, either by law, custom, or as a requirement of the third party employer, the day labor service agency or the third party employer may charge the day laborer the market value of the item temporarily provided to the day laborer by the third party employer if the day laborer fails to return such items to the third party employer or the day labor service agency. For any other equipment, clothing, accessories, or any other items the day labor service agency makes available for purchase, the day laborer shall not be charged more than the actual market value for the item.

**§ 50-1-707.**

(a) At the time of the payment of wages, a day labor service agency shall provide each day laborer with an itemized statement showing in detail each deduction made from the wages.

(b) A day labor service agency shall provide each worker an annual earnings summary within a reasonable time after the preceding calendar year, but in no case later than February 1. A day labor service agency shall, at the time of each wage payment, give notice to day laborers of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a day laborer, a day labor service agency shall hold the daily wages of the day laborer and make either weekly or semimonthly payments. The wages shall be paid in a single check representing the wages earned during the period, either weekly or semimonthly, designated by the day laborer. Day labor service

agencies that make daily wage payments shall provide written notification to all day laborers of the right to request weekly or semimonthly checks. The day labor service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the day laborers.

(d) No day labor service agency shall charge any day laborer for cashing a check issued by the agency for wages earned by a day laborer who performed work through that agency.

(e) Day laborers shall be paid no less than the wage rate stated in the notice as provided in § 50-1-710 for all the work performed on behalf of the third party employer in addition to the work listed in the written description.

**§ 50-1-708.**

Each day labor service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall be the location for the employment and wage notices required by § 50-1-710. The public access area shall allow for access to restrooms and water.

**§ 50-1-709.**

No day labor service agency shall restrict the right of a day laborer to accept a permanent position with a third party employer to whom the day laborer has been referred for work or restrict the right of such third party employer to offer such employment to a day laborer. Nothing in this Section shall restrict a day labor service agency from receiving a placement fee from the third party employer for employing a day laborer for whom a contract for work was effected by the day labor service agency.

**§ 50-1-710.**

A day labor service agency shall register with the department of labor and workforce development in accordance with rules adopted by the department for day labor service agencies that operate within the state. The department may assess each

agency a registration fee not exceeding two hundred fifty dollars (\$250.00). The department shall also adopt rules for violation hearings and penalties for violations of this act or the department's rules. The department shall cause to be posted in each agency a notice which informs the public of a toll-free telephone number for day laborers and the public to file wage dispute complaints and other alleged violations by day labor service agencies.

**§ 50-1-711.**

The department shall have the authority to suspend or revoke the registration of a day labor service agency if warranted by public health and safety concerns or violations of this Act.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.